

Memorandum to the City of Markham Committee of Adjustment
November 27, 2018

File: B/16/18
Address: 65 Joseph Street, Markham
Applicant: James and Annmarie Reininger
Agent: Stiver Vale, Barristers & Solicitors (Paul Read)
Hearing Date: Wednesday December 12, 2018

The following comments are provided on behalf of the East Team.

The applicant is requesting provisional consent to:

- a) establish an easement for stormwater outfall (Part 1) on the residential property at 65 Joseph Street in favour of the adjacent school property at 89 Church Street.

BACKGROUND

Property Description

The subject property is located at the southeast corner of Joseph Street and Elm Street, which is north of Highway 7 East and east of Main Street Markham North. There is a two-storey single detached dwelling on the property. The eastern and southern portions of the property include a valley corridor associated with Mount Joy Creek, which is a tributary to the Rouge River Watershed.

The stormwater outfall that is the subject of this application is located at the rear of 65 Joseph Street, near the southwestern boundary of the property. The stormwater outfall structure was built when the adjacent school site at 89 Church Street was redeveloped in 2008-2010 to replace the former Markham District High School with a new school building and sports field. Correspondence from the applicant indicates that, at the time when the new school was developed, it was thought that either the City or the Conservation Authority owned the land where the stormwater outfall is located.

Proposal

The applicant proposes to establish an easement for the existing stormwater outfall at the rear of the residential property at 65 Joseph Street. The easement is to be in favour of the adjacent school property at 89 Church Street.

COMMENTS

Prior to construction of the existing school at 89 Church Street, the City granted Site Plan Approval to the School Board. During the Site Plan Approval process, City Engineering staff issued an approval letter advising that the engineering plans and reports associated with the proposal were acceptable with respect to the proposed stormwater management (attached as Appendix "F"). Given this approval, City Engineering staff have no concerns with the proposed easement.

The subject property is located within the Toronto Region and Conservation Authority's (TRCA) Regulated Area. TRCA staff have reviewed the proposal and have no objections to its approval, subject to the applicant paying the TRCA review fee as per their letter dated November 2, 2018 (attached as Appendix "G").

PUBLIC INPUT SUMMARY

No written submissions were received as of November 27, 2018. Additional information may be received after the writing of this report; the Secretary-Treasurer will provide information on this at the meeting.

CONCLUSION

In concluding that the proposal is appropriate, staff have had regard for the criteria in Section 51 (24) of the Planning Act and have no objections to approval of the application.

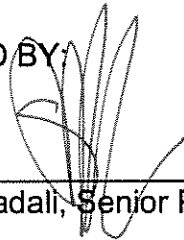
Please see Appendix "A" for conditions to be attached to any approval of this application.

PREPARED BY:



Greg Hayes, Development Technician, Planning and Urban Design Department

REVIEWED BY:



Stacia Muradali, Senior Planner, East District

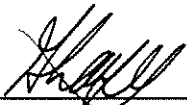
- Appendix A – Recommended Conditions of Approval
- Appendix B – Context Map
- Appendix C – Reference Plan
- Appendix D – Engineer's Sketch of Stormwater Outfall
- Appendix E – Site Plan for Markham District High School
- Appendix F – Engineering Acceptance Letter
- Appendix G – TRCA Letter

APPENDIX "A"

CONDITIONS TO BE ATTACHED TO ANY APPROVAL OF B/16/18

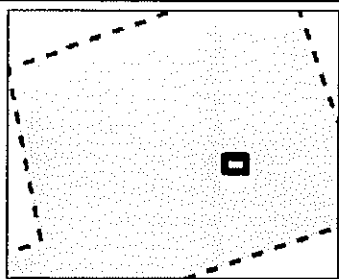
1. Payment of all outstanding realty taxes and local improvements charges owing to date against the subject lands, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled.
2. That the applicant satisfies the requirements of the Toronto and Region Conservation Authority (TRCA), financial or otherwise, as indicated in their letter to the Secretary-Treasurer attached as Appendix "G" to this Staff Report, to the satisfaction of TRCA, and that the Secretary-Treasurer receive written confirmation that this condition has been fulfilled to the satisfaction of TRCA.
3. Submission to the Secretary-Treasurer of the required transfers to effect the easements applied for under File B/16/18, and issuance by the Secretary Treasurer of the certificate required under subsection 53(42) of the Planning Act.
4. Submission to the Secretary-Treasurer of seven white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted.
5. Fulfillment of all of the above conditions within one (1) year of the date that notice of the decision was given under Section 50(17) or 50(24) of the Planning Act, R.S.O. 1990, c. P.13.

CONDITONS PREPARED BY:



Greg Hayes, Development Technician, Planning and Urban Design Department

Context Map - 65 Joseph Street and 89 Church Street



Legend

- Road Attributes
- Building Footprints
- Ponds
- Creeks
- Rivers
- Parcel (MPAC)

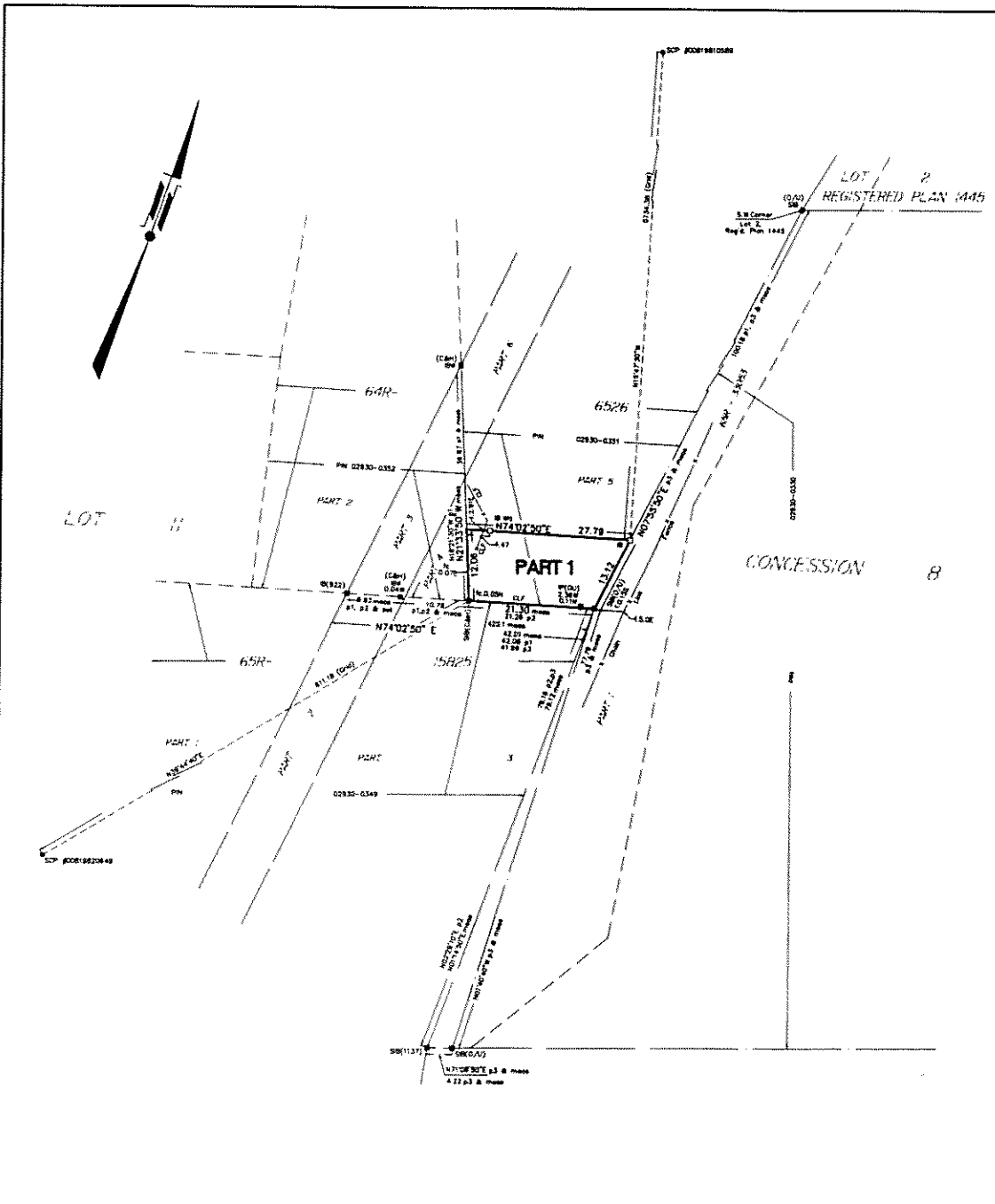
Notes

1: 4,514

229.3 0 114.66 229.3 Meters

NAD_1983_UTM_Zone_17N
© City of Markham

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION



SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON THE 28th. DAY OF FEBRUARY, 2012.
 MARCH 21, 2012
 DATE
 MEL A. LEGROW
 ONTARIO LAND SURVEYOR

I REQUIRE THIS PLAN TO BE DEPOSITED UNDER THE LAND TITLES ACT.
 DATE: MARCH 30, 2012
 MEL A. LEGROW
 MEL A. LEGROW, O.L.S.

PLAN 65R-33552
 RECEIVED AND DEPOSITED
 DATE: March 30, 2012
 "G. M. McKeown"
 REPRESENTATIVE FOR THE LAND REGISTRAR FOR THE LAND TITLES DIVISION OF YORK REGION (No. 85)

SCHEDULE			
PART	LOT	CONCESSION	PART OF PIN
1	PART OF LOT 11	8	02930-0351

**PLAN OF SURVEY OF
 PART OF LOT 11
 CONCESSION 8
 GEOGRAPHIC TOWNSHIP OF MARKHAM
 TOWN OF MARKHAM
 REGIONAL MUNICIPALITY OF YORK**

LLOYD & PURCELL LTD., SCALE 1:500
 10 5 0 10 20 30 Metres

NOTES
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.
 DISTANCES SHOWN ON THIS PLAN ARE GROUND DISTANCES AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999815.
 BEARINGS SHOWN ON THIS PLAN ARE UTM GRID BEARINGS AND ARE DERIVED FROM SPECIFIED CONTROL POINTS #00819820649 AND #00819810589, UTM ZONE 17, MAG 83 (ORIGINAL).

SPECIFIED CONTROL POINTS (SCP's) UTM ZONE 17, MAG83 (ORIGINAL) COORDINATES TO URBAN ACCURACY PER SEC.14 (2) OF O. REG. 218/10.		
POINT ID	NORTHING	EASTING
SCP #00819820649	4859323.124	639843.428
SCP #00819810589	4865329.911	638696.122

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OF BOUNDARIES SHOWN ON THIS PLAN.

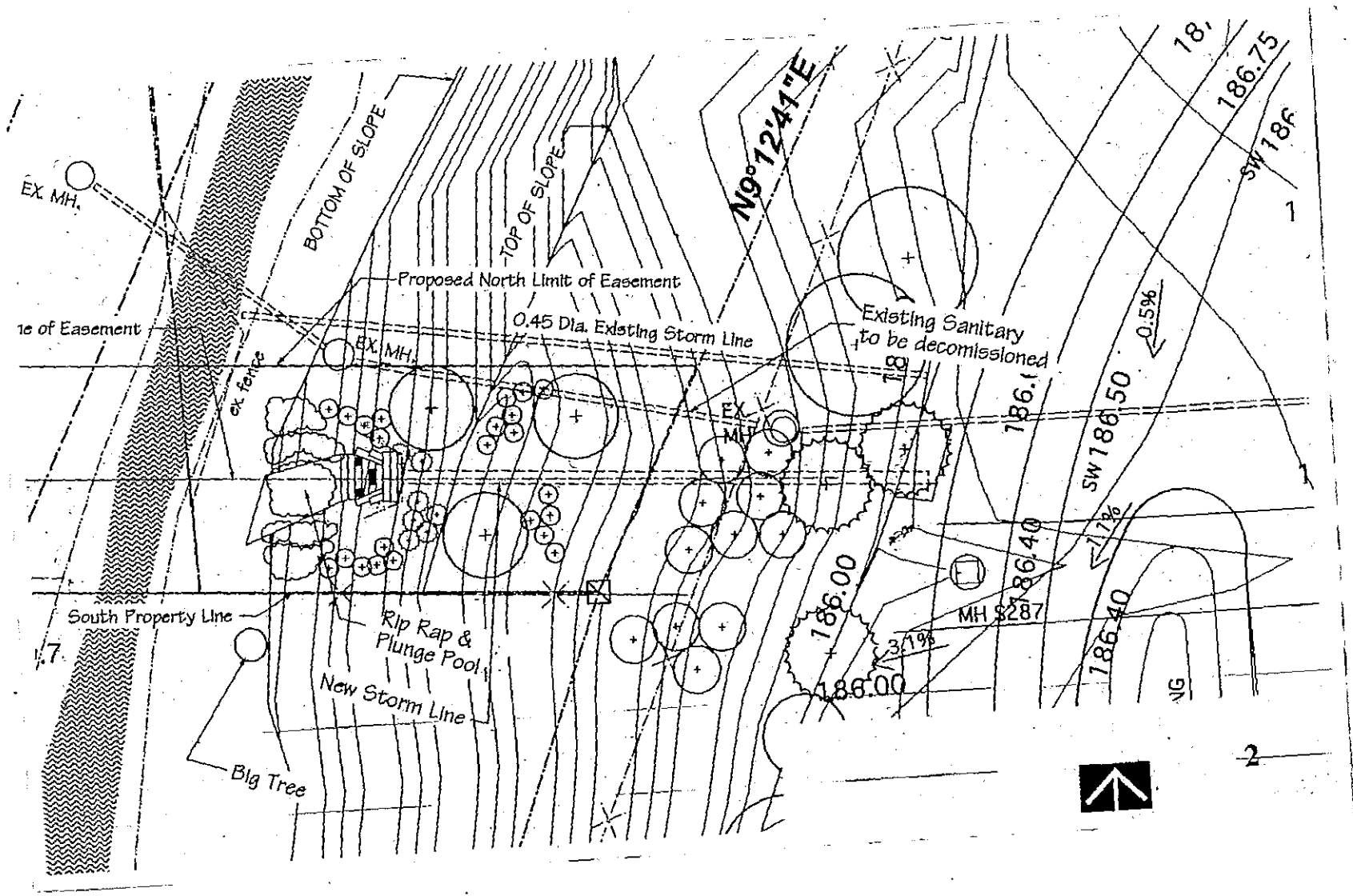
LEGEND

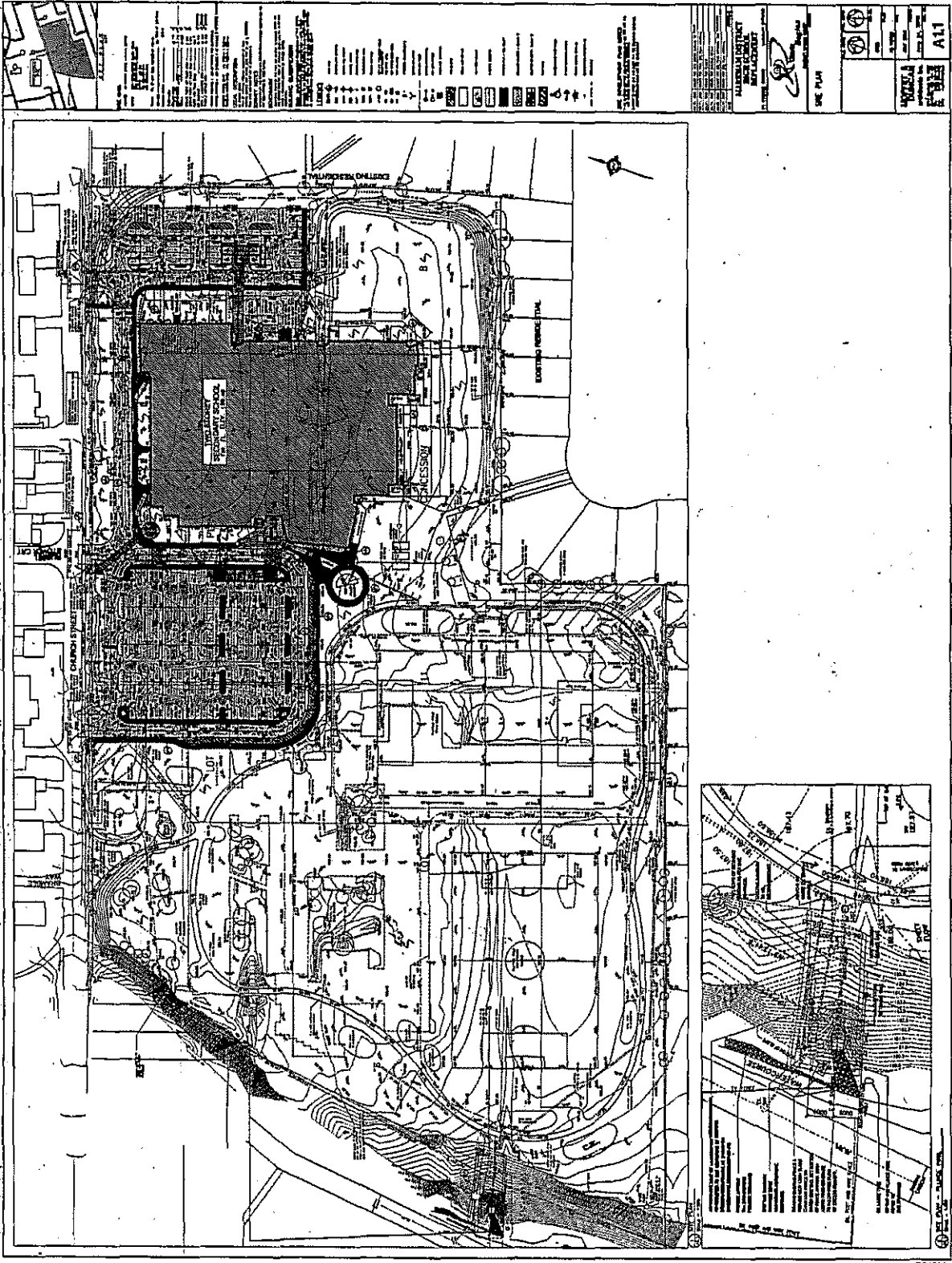
- SB STANDARD IRON BAR
- IB IRON BAR
- IB# ROUND IRON BAR
- IP IRON PIPE
- W FOUND
- SET
- meas. MEASURED
- O/U ORIGIN UNKNOWN
- CLF CHAIN LINK FENCE
- f FENCE
- fc FENCE CORNER
- p1 PLAN 64R-4026
- p2 PLAN 65R-15825
- p3 PLAN 65R-33053
- C&H CARTER & HORWOOD LTD.
- 1137 P.G. MCKIBBIN O.L.S.
- 922 F. SCHAEFFER O.L.S.

LLOYD & PURCELL LTD.
 ONTARIO LAND SURVEYORS
 1228 CORHAM STREET, UNIT 28, NEWMARKET, ONTARIO, L3Y 8Z1
 (905) 895-6416 Fax (905) 853-5837 E-MAIL: l.p@ontariolandsurveyors.ca
 TORONTO LINE (905) 479-6500 Fax (905) 479-6515
 WWW.ONTARIOLANDSURVEYORS.CA

CAD: CF/DB	PL: SH	JOB: 10-008
CALC: d	CHK'D: HAL	FILE: M2-11-11







DEVELOPMENT SERVICES COMMISSION

October 17, 2008

EMC Group Ltd.
7577 Keele Street,
Concord, ON L4X 4X3

Attn: Mr. Henry A. Verbruggen, P. Eng.

Dear Mr. Verbruggen:

Subject: Markham District High School
89 Church Street
Markham, Ontario
File No. SC 07 134469
Acceptance of Servicing and Grading Plans, and
Stormwater Management Report

We have reviewed the Following plans:

- Site Grading & Servicing Plan, Dwg. No. 207188-SS-1, Rev 8, dated September 11, 2008;
- Erosion and Sediment Control Plan (Phase I), Dwg. No. 207188-SS-2, Rev 3, dated September 11, 2008;
- Erosion and Sediment Control Plan (Phase II), Dwg. No. 207188-SS-3, Rev 3, dated September 11, 2008;
- Storm Sewer Outfall Detail, Dwg. No. 207188-SS-4, Rev 4, dated September 30, 2008;
- Notes and Details, Dwg. No. 207188-SS-5, Rev 3, dated September 11, 2008; and the
- Stormwater Management Report entitled Stormwater Management Report, Markham District High School, Town of Markham, Moffet and Duncan Architects, Revision date, August 21, 2008.

We advise that the above plans and report are acceptable with respect to the proposed municipal service connections and stormwater management.

The site plan has been endorsed by the Director of Planning and Urban Design on October 10, 2008.

Please note that servicing on private property requires plumbing approval under the Ontario Building Code, and accordingly, application for the necessary permits should be made to the Building Division.

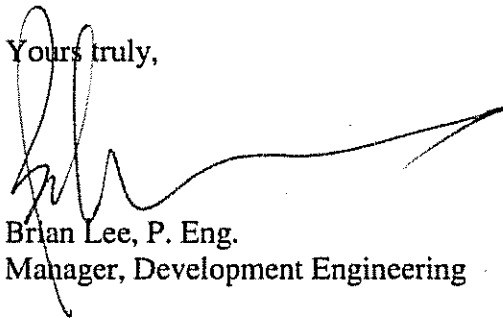
Please be advised that the above noted drawings are currently still under review by the Toronto and Region Conservation Authority (T.R.C.A.) and may have to be revised to address TRCA's comments.

Prior to start of construction on-site or within the municipal right-of-way, the following are required:

- (i) execution of Letter of Undertaking including meeting all financial obligations, payment of engineering fees and other requirements as stipulated for the execution of the undertaking,
- (ii) final site plan approval,
- (iii) proof of owner's insurance,
- (iv) pre-construction meeting,
- (v) minimum of seventy-two (72) hours' notice prior to commencing construction (Kevin Young, Manager of Municipal Inspections, extension 3050),
- (vi) Traffic Management Plan,
- (vii) approvals from the Planning & Urban Design Department,
- (viii) permits or approvals from the Building Standards Department and,
- (ix) permits or approvals from other agencies having jurisdiction, (e.g. TRCA, Region of York, MOE, etc.)
- (x) Upon completion of all construction works, the Engineering Consultant will be required to provide the Town with a Final Certificate of all internal and external works for the site prior to release of the securities being held.

If you have any questions, please do not hesitate to contact Richard Renaud at (905) 477-7000 extension 3740.

Yours truly,



Brian Lee, P. Eng.
Manager, Development Engineering

Copy to: Building Department (3 sets of plans)
Doris Cheng, District Planner, Planning Department
Kevin Young, Manager of Municipal Inspections, Engineering Department (1 set of plans)
Jason Scovell, Plans Examiner, Fire Department (1 set of plans)
Karen Dennison, Waterworks Department (1 set of plans)
Bob Penner, Supervisor, Business Systems Improvement (1 set Digital Copies)



November 2, 2018

BY E-MAIL ONLY

Mr. Justin Leung
Secretary-Treasurer
Committee of Adjustment
City of Markham
101 Town Centre Boulevard
Markham, ON
L3R 9W3

Dear Mr. Leung:

Re: **Consent Application – B/16/18**
65 Joseph Street, Markham, ON
James and Annmarie Reninger

This letter will acknowledge receipt of the above noted application. Toronto and Region Conservation Authority (TRCA) staff have reviewed this application and provide the following comments.

PURPOSE OF THE APPLICATION**B/16/18**

The purpose of the consent application is to:

- a) Establish an easement for a stormwater outfall (Part 1) on the residential property at 65 Joseph Street in favour of the adjacent school property at 89 Church Street.

APPLICABLE TRCA REGULATIONS AND POLICIES**Ontario Regulation 166/06 (as amended):**

The subject property is located within TRCA's Regulated Area, as it is traversed by a valley corridor associated Mount Joy Creek, a tributary of the Rouge River Watershed. In accordance with Ontario Regulation 166/06, as amended, (Development, Interference with Wetlands and Alteration to Shorelines and Watercourses), a permit is required from the TRCA prior to any of the following works taking place:

- a. straightening, changing, diverting or interfering in any way with the existing channel of a river, creek, stream or watercourse, or for changing or interfering in any way with a wetland;
- b. development, if in the opinion of the Authority, the control of flooding, erosion, dynamic beaches or pollution or the conservation of land may be affected by the development.

Development is defined as:

- i. the construction, reconstruction, erection or placing of a building or structure of any kind;
- ii. any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure;
- iii. site grading;
- iv. the temporary or permanent placing, dumping or removal of any material originating on the site or elsewhere.

Living City Policies for Planning and Development in the Watersheds of the TRCA (LCP)

The LCP describes a "Natural System" of water resources, natural features and areas, natural hazards, potential natural cover and/or buffers. TRCA policies generally require that natural features within the "Natural System" be protected from development, site alteration and infrastructure. Notwithstanding additional setbacks prescribed by federal, provincial or municipal requirements, TRCA defines the limit of the "Natural System" as the greater of, but not limited to the following:

- **Valley and Stream Corridors:** 10 metre buffer from the greater of the long-term stable top of slope (LTSTOS), top of slope (TOS), Regulatory Floodplain, meander belt and any contiguous natural features or areas;
- **Woodlands:** 10 metre buffer from the dripline and any contiguous natural features or areas;
- **Wetlands:** 30 metre buffer from Provincially Significant Wetlands (PSWs) and a 10 metre buffer from all other wetlands and any contiguous natural features or areas.

APPLICATION SPECIFIC COMMENTS**Background:**

In 2008, TRCA staff reviewed a Site Plan Control application (City File No. SC 07 134469) circulated by the City of Markham. The intent of the application was to facilitate the demolition of the existing school building, in order to construct a new school with associated upgraded stormwater management infrastructure. TRCA staff provided recommendations based on our Regulatory and technical advisory responsibilities to protect, preserve and mitigate risk to natural hazards and features. Furthermore, on October 3, 2008 TRCA issued a permit (TRCA Permit No. C-08804) to facilitate the construction of stormwater outfall.

Planning & Development:

In light of the information above, staff recognize that the current application is to resolve encroachment issues relating to a stormwater outfall constructed by York Region District School Board. As such, we have no objections to the proposed consent application to establish an easement for a stormwater outfall (Part 1) on the residential property at 65 Joseph Street in favour of the adjacent school property at 89 Church Street.

Please note, TRCA has an interest in all future development on the above mentioned property and all future applications must be circulated to TRCA for review and comments.

APPLICATION FEE

Please be advised, in addition to TRCA's Regulating responsibilities, TRCA has a role as a commenting agency for *Planning Act* applications circulated by member municipalities to assess whether a proposed development may be impacted by the TRCA. By copy of this letter, the applicant is advised that the TRCA has implemented a fee schedule for our planning application review services.

This application is typically subject to a \$1,400.00 review fee (2018 TRCA Planning Fees Schedule – Consent/Severance/Land Division – Minor). The applicant is responsible for fee payment and should forward the fee to this office within 60 days of this letter.

RECOMMENDATION

Based on the above, TRCA staff have **no objections** to the approval of the above noted application subject to the following condition:

1. The applicant remits the outstanding TRCA Planning Services review fee of \$1,400.00 within 60 days of this letter.

Should you have any questions or comments, please do not hesitate to contact the undersigned.

Sincerely,



Aidan Pereira
Planner I, Planning & Development
apereira@trca.on.ca
(416) 661-6600 ext. 5723

AP/as